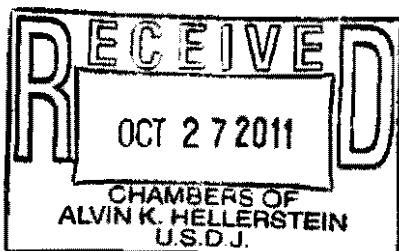




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October 27, 2011

**Via Fax No. (212) 805-7942**

Honorable Alvin K. Hellerstein  
 United States District Court  
 Southern District of New York  
 Daniel Patrick Moynihan  
 United States Courthouse  
 500 Pearl St.  
 New York, NY 10007-1312

Re: Thomas Magee v. The Port Authority of New York and New Jersey, et al.  
 21 MC 100 (AKH); 05 Civ. 7210 (AKH)

Dear Judge Hellerstein,

In response to the October 27, 2011, letter of the City of New York and the Port Authority, plaintiff reiterates the point on which his motion is based. Mr. Magee's claims fall outside the ambit of the ATSSSA and do not arise out of the terrorist-related aircraft crashes of September 11, 2001. Therefore, the fact that his case was not one that was selected for discovery and trial in the World Trade Center litigation is not germane. The purpose of the motion was to illuminate the fact that Mr. Magee's claims should not be included in the Consolidated World Trade Center litigation.

Plaintiff has no objection to granting defendants the two week extension they seek.

Respectfully submitted,

*Therese Stevens Loucks*  
 Therese Stevens Loucks, Esq.  
 KREINDLER & KREINDLER LLP  
 Counsel for Plaintiff Thomas Magee

cc: Joseph E. Hopkins, Esq. (via electronic mail)  
 Paul Scrudato, Esq. (via electronic mail)

## California Office

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Judge wrote:

Plaintiff Magee shall show in connection with any renewed motion, and in any event by November 18, 2011, the basis of subject matter jurisdiction of this court.

10-28-11  
Alvin K. Hellerstein"